



JOHN M. TANSKI
90 STATE HOUSE SQUARE
HARTFORD, CT 06103
860.275.8175
JTANSKI@AXINN.COM

November 5, 2021

VIA ECF

Honorable Paul A. Engelmayer
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Moreno-Godoy v. Gallet, Dreyer & Berkey LLP, et al.*, No. 1:14-cv-7082 (S.D.N.Y.)

Dear Judge Engelmayer:

We write in response to Julia Solomon-Strauss's email of October 29, 2021 and Your Honor's Order of November 2, 2021 (ECF No. 217) concerning the scheduling of the pretrial conference and trial in this matter.

With respect to the possibility of scheduling trial during the first quarter of 2022, counsel have conferred and can advise the Court that one or more necessary participants is unavailable for trial on the following dates:

January 3, 4, 5, 6, 7
January 10, 11, 12, 13, 14
January 19, 20, 21
January 24, 25
January 31
February 1, 2
February 7, 8
February 16, 17, 18
February 21, 22, 23, 24, 25
February 28
March 1, 2, 3, 4

We note, of course, that availability could be affected by continuing developments with respect to the COVID-19 pandemic as well as penological considerations.

With respect to the pretrial conference, all lead counsel are available to participate on November 18, 2021, at 11:00 a.m. in accordance with the Court's order. Counsel for Mr. Moreno Godoy has contacted FCI Talladega, where Mr. Moreno Godoy is incarcerated, to arrange for his participation by telephone as the Court has directed. FCI Talladega has asked counsel to ask the Court to please consider rescheduling the pretrial because FCI Talladega is expecting an influx of new inmates on November 18, and in-processing those inmates will require significant staff resources, making it difficult to also supervise Mr. Moreno Godoy's participation in the pretrial conference. FCI Talladega has proposed November 16 as an

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alternative date. All lead counsel are available between 2:30 p.m. and 4:00 p.m. ET on November 16 if that time is convenient for the Court.

As an alternative, all parties recognize that it would be beneficial for Mr. Moreno Godoy to attend the pretrial conference in person. All parties jointly request that the Court consider issuing a writ to compel the Bureau of Prisons and Marshals Service to bring Mr. Moreno Godoy to the pretrial and rescheduling the pretrial to a date after the Thanksgiving holiday to give them time to arrange for his transportation and attendance.

Mr. Moreno Godoy acknowledges that he will be responsible for the cost of his transportation. With the assistance of his counsel, he will arrange to comply with the U.S. Marshals Service policy requiring a civil litigant seeking to produce a federal prisoner at trial to make a pre-transfer deposit sufficient to cover the anticipated cost of transportation.

Finally, counsel confirm that a jury trial of approximately three days in length remains their best estimate for this case.

Respectfully,



John M. Tanski

cc: All Counsel of Record (via ECF)

The Court thanks the parties for this letter. The Court hereby reschedules the final pretrial conference in this case to November 16, 2021 at 2:30 p.m. The conference will be held in person. *See* Dkt. 217. The Court directs counsel for plaintiff Moreno-Godoy to arrange for his participation by phone at that conference. SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge
11/8/21